

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA Department of Personnel

Notification

2/5/95-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa hereby makes the following rules, namely:—

1. *Short title, commencement and application.*— (1) These rules may be called Goa State Civil Service (Grant of Leave to seek private employment in India or abroad) Rules, 1995.

(2) They shall come into force on such date as may be fixed by Notification by the Government.

(3) They shall apply to all Group 'A', Group 'B', Group 'C' and Group 'D' employees of the Government of Goa.

2. *Leave to seek private employment.*— 1. A Government employee shall be entitled to apply for leave without pay and allowances for taking up employment in India or abroad to the extent of 5 years subject to the following conditions, namely:—

(a) A Government employee may be granted extraordinary leave (leave without pay) on request for a period of 5 years to seek private employment, in India or abroad. Before, such a request is made, the Government employee has to seek permission from the Head of the Department in respect of his intention to seek private employment by applying for extraordinary leave. In such case, the Head of the Department shall be the Competent Authority to grant extraordinary leave of minimum period of 5 years but leave cannot be claimed as a matter of right. In genuine cases, application for extension of leave for a further period upto 2 years may be considered. In case there is any difficulty for the grant of leave by the Head of the Department, the matter shall be referred to the Government for decision. The resultant vacancy may be filled up in terms of Recruitment Rules in force for the relevant post.

(b) If the Government employee who has been granted leave under these rules does not return to duty immediately on the expiry of the leave period or extended period, as the case may be, suitable action may be taken against him under the provisions of the C. C. S. (CCA) Rules, 1965.

(c) The Government employee availing of this facility i. e. leave without pay and allowances to seek private employment, shall not be treated as on deputation and no other kind of leave shall be sanctioned to him in combination with or in continuation to the leave granted under these rules.

(d) The Government employees availing of leave under these rules shall not be entitled to any of the benefits such as earned leave, half pay leave, gratuity, pension, increment, etc. and also promotion with reference to their seniority in the posts from which they proceeded on leave, during this leave period. These Government employees will get the position from which they proceeded on leave, in regard to status of posts, pay, leave, etc., when they rejoin duty on expiry of leave granted under these rules.

(e) Those Government employees who have signed bonds to serve the Government for a specified period shall not be allowed to avail the benefit of leave under these rules unless the said period is completed. Similarly, those Government employees who have availed themselves of any loan such as House Building Advance, Conveyance Advance, etc. shall have to clear all the dues before applying for such leave.

(f) Those Government employees who absent themselves unauthorisedly without getting the leave sanctioned under these rules, shall be proceeded against under the provisions of the C.C.S. (CCA) Rules, 1965 and their request for re-consideration in such cases shall be summarily rejected.

(g) If a Government employee continues his private employment beyond the period prescribed for seeking voluntary retirement i. e. 15 years of total service, he shall be deemed to be retired from the Government service. The service rendered by him in private employment shall be

counted for the purpose of availing voluntary retirement.

(h) The Government employee who has proceeded on leave for the purpose of employment under these rules shall be treated as surplus employee on his return or rejoining the service if a suitable vacancy is not available.

(i) If the Government employee is eligible for voluntary retirement at the time of applying the leave under these rules, he will be asked to take voluntary retirement.

(j) The leave under these rules is available only for the purpose of seeking private employment and not for starting a private business, profession or industry.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Joint Secretary (Personnel).

Panaji, 24th November, 1995.